

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FRANKLIN COLON	:	CIVIL ACTION
	:	
v.	:	
	:	
GERALD ROZUM, et al.	:	NO. 11-3921

ORDER

AND NOW, this 7th day of January 2014, upon consideration of petitioner Colon's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (docket entry # 1), Colon's amended petition (docket entry # 12), defendants' response, Colon's brief and exhibits, Judge Caracappa's October 31, 2013 Report and Recommendation, and Colon's supplement to his habeas corpus petition and objections to that Report and Recommendation (docket entries ## 23 and 24), and based on the analysis set forth in the accompanying Memorandum, it is hereby ORDERED that:

1. The Report and Recommendation is ADOPTED IN PART and APPROVED IN PART, consistent with the accompanying Memorandum;
2. Petitioner's objections to the Report and Recommendation are OVERRULED IN PART and SUSTAINED IN PART;
3. The petition for a writ of habeas corpus is GRANTED, and the Commonwealth of Pennsylvania shall either RELEASE or RETRY petitioner within 120 days of

entry of this Order; and

4. The Clerk of Court shall CLOSE this case statistically.

BY THE COURT:

/s/ Stewart Dalzell, J.  
Stewart Dalzell, J.